



Docket No. 80398.P596

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	)	Examiner:	T. Zhou
	)		
Tobin et al.	)	Art Unit:	2173
	)		
Application No. 09/873,067	)	Confirm. No:	2986
	)		
Filed: June 6, 2001	)		
	)		
For: PERSISTENT NAVIGATION	)		
ASSISTANCE	)		

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 2173, mailed June 23, 2006, in which claims 17-40 in the above-identified application were rejected in a final action. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

**I. REAL PARTY IN INTEREST**

The real parties in interest are the co-assignees of the full interest in the invention: Sony Electronics, Inc., Park Ridge, New Jersey, and Sony Corporation, Tokyo, Japan.

**II. RELATED APPEALS AND INTERFERENCES**

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

### **III. STATUS OF THE CLAIMS**

Claims 17-40 are pending in the application and were finally rejected in an Office Action mailed June 23, 2006. Claims 1-16 are cancelled. Claims 17-40 are the subject of this appeal. A copy of Claims 17-40 as they stand on appeal are set forth in Appendix A.

### **IV. STATUS OF AMENDMENTS**

No amendments to the claims have been made after receipt of the Final Office Action.

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim method 17 and independent computer readable media claim 35 claim identifying a particular product displayed in a web page using a device that displays a web page to the user [Specification, Figure 5, block 504, paragraphs 36 and 38]. Furthermore, independent claims 17 and 35 claim determining with the device whether an entry corresponding to the particular product in a supplemental information database [Specification, Figure 5, block 508, paragraph 38]. Independent claims 17 and 35 further claim that the database is separate from the displayed web pages and correlates supplemental information to differing products [Specification, paragraph 36]. In addition, claims 17 and 35 claim that the displayed web pages are ordinarily devoid of the supplemental information [Specification, paragraph 36]. Independent claims 17 and 35 claim displaying the supplemental information correlated with the particular product along with and separate from the web page if the database contains an entry for the particular product [Specification, Figure 5, block 512, paragraph 39].

Independent apparatus claim 23 claims a link assessment module that identifies a particular product display in a web page using a device that displays the web page [Specification, Figure 3, block 314, paragraph 36]. Furthermore, independent claim 23 claims that the link assessment module determines with the device whether an entry corresponding to the particular product in a supplemental information database [Specification, paragraph 38]. Independent claim 23 further claims that the database is separate from the displayed web pages and correlates supplemental information to

differing products [Specification, paragraph 36]. In addition, independent claim 23 claims that the displayed web pages are ordinarily devoid of the supplemental information [Specification, paragraph 36]. Independent claim 23 claims a supplemental information display module that displays the supplemental information correlated with the particular product along with and separate from the web page if the database contains an entry for the particular product [Specification, Figure 3, block 316, paragraph 39].

Claims 29-34 are claims under 35 U.S.C. § 112, 6<sup>th</sup> paragraph. Independent apparatus claim 29 claims means for identifying a particular product display in a web page using a device that displays the web page [Specification, Figure 3, block 314, paragraph 36]. The corresponding structure for the means for identifying is shown in Figure 3, block 314. Furthermore, independent claim 29 claims that the means for identifying determines with the device whether an entry corresponding to the particular product in a supplemental information database [Specification, Figure 3, block 314, paragraph 38]. Independent claim 29 further claims that the database is separate from the displayed web pages and correlates supplemental information to differing products [Specification, paragraph 36]. Independent claim 29 claims that the displayed web pages are ordinarily devoid of the supplemental information [Specification, paragraph 36]. In addition, independent claim 29 claims means for displaying the supplemental information correlated with the particular product along with and separate from the web page if the database contains an entry for the particular product [Specification, Figure 3, block 316, paragraph 39]. The corresponding structure for the means for displaying is shown in Figure 3, block 316.

Dependent claim 33 depends from independent claim 29 and claims a means for detecting an event related to the particular product, where the event prompts the display of the supplemental information for the particular product. The corresponding structure for the means for detecting is shown in Figure 3, block 312.

Dependent claim 19 depends from independent claim 17 and claims a second web page that correlates to a purchasable item and that the supplemental information includes a consumer incentive relating to the purchasable item and the user [Specification, paragraphs 39-40]. Furthermore, dependent claim 19 claims obtaining the consumer

incentive from the database with the consumer incentive not being ordinarily evident from the first web page [Specification, paragraphs 40-41].

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

I. Claims 23-28 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory matter.

II. Claims 17-18, 21-24, 27-30, 33-36, and 39-40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Jakobson, U.S. Patent No. 6,697,838, in view of Revashetti, U.S. Patent No. 6,230,199.

III. Claims 19-20, 25-26, 31-32, and 37-38 stand rejected under 35 U.S.C. § 103(a) as being obvious over Jakobson in view of Revashetti and Harris, US Patent 6,014,635.

## **VII. ARGUMENTS**

I. Claims 23-28 are Patentable under 35 U.S.C. § 101 because the claimed invention is directed to statutory subject matter.

The Examiner asserts that independent apparatus claim 23 is not tangible because the claim recites software elements. Appellant respectfully disagrees. Independent claim 23 claims an apparatus comprised of several modules. Appellant's specification supports that the modules can be hardware (Specification, paragraph 0032). Therefore, Appellant respectfully submits that claims 23-28 are directed to statutory subject matter and respectfully requests the withdrawal of the rejection.

II. Claims 17-18, 21-24, 27-30, 33-36, and 39-40 are Patentable under 35 U.S.C. § 103(a) over Jakobson in view of Revashetti because the combination does not teach or suggest all elements in the claims.

Claims 17-18, 21-24, 27-30, 33-36, and 39-40 stand or fall together. Independent claim 17 is the representative claim.

Jakobson allows a user to create and display notes specific to a web page. The notes are stored locally on a user's computer and are displayed in a separate frame from the web page.

Revashetti discloses a system that inventories the software and hardware components of a user's computer. Based on that inventory, the system markets to the user products associated with the user's computer. Revashetti does not disclose inventorying products associated with a displayed web page.

Appellant respectfully submits that the combination of Jakobson and Revashetti is improperly motivated and does not teach or suggest each and every element of claim 17.

The Examiner asserts that Jakobson and Revashetti can be combined by modifying the user notes taught by Jakobson to include the product advertisements taught by Revashetti. However, Jakobson specifically states that his invention is directed toward allowing a user to annotate a web page with the user's comments (Jakobson: col. 2, lines 19-22). There is nothing in Jakobson that suggests modifying a user's notes to include data created by someone else. Thus, modifying Jakobson's notes to include downloaded product advertisements would change the principal of operation of Jakobson. If the proposed modification would change the principle of operation of the prior art invention being modified, then the teachings of the reference are not sufficient to render the claim *prima facie* obvious. *In re Ratti*, 270 F.3d 810, 123 USPQ 349 (CCPA (1959)). Accordingly, the combination of Jakobson and Revashetti is improper.

Claim 17 recites correlating supplemental information particular to a user about a product in database identified in a web page on a device that displays the web page to the user. The Examiner admits that Jakobson does not teach or suggest this claimed element and relies on Revashetti as disclosing it. However, because Revashetti discloses marketing products to the user based on software and hardware components of a user's computer, Revashetti does not teach or suggest inventorying products associated with a displayed web page. Thus, Revashetti cannot teach or suggest correlating supplemental information about a product in a database identified in a web page as claimed. Thus, neither Jakobson nor Revashetti disclose this claim element in claim 17 and the combination cannot be properly interpreted as doing so.

Accordingly, Appellant respectfully requests the withdrawal of the rejection of the claims 17-18, 21-24, 27-30, 33-36, and 39-40 under 35 U.S.C. § 103(a) over the combination of Jakobson and Revashetti.

III. Claims 19-20, 25-26, 31-32 and 37-38 are Patentable under 35 U.S.C. § 103(a) over Jakobson in view of Revashetti and Harris because the combination does not teach or suggest all elements in the claims.

Claims 19-20, 25-26, 31-32 and 37-38 stand or fall together. Dependent claim 19 is the representative claim.

Harris is directed towards providing a discount credit based transition network.

Appellant respectfully submits that the combination does not teach or suggest each and every limitation of Appellant's claim 19. Claim 19 depends from independent claim 17. Independent claim 17 recites correlating supplemental information particular to a user about a product. Because Harris is directed towards providing a discount credit based transition network, Harris cannot teach or suggest Appellant's claimed element of displaying on a web page, supplemental product information entries in database on a device that displays the web page to the user. Because Harris does not teach or suggest this claimed element that is missing in the Jakobson and Revashetti combination, the Jakobson, Revashetti and Harris combination cannot be properly interpreted as disclosing Appellant's invention as claimed in claim 19.

Accordingly, Appellant respectfully requests the withdrawal of the rejection of the claims 19-20, 25-26, 31-32 and 37-38 under 35 U.S.C. § 103(a) over the combination of Jakobson, Revashetti and Harris.

### VIII. CONCLUSION

Appellant's claims 23-28 are patentable because the claimed invention is directed to statutory subject matter. Appellant's claims 17-18, 21-24, 27-30, 33-36, and 39-40 are patentable because the combination of Jakobson and Revashetti is improper and further does not teach or suggest all the limitations in the claims. Appellant's claims 19-20, 25-26, 31-32 and 37-38 are patentable because the combination of Jakobson, Revashetti and

Harris does not teach or suggest all the limitations in the claims. Accordingly, Appellant respectfully requests the Board reverse the rejections of claims 1-2, 4-11, and 13-32 under 35 U.S.C. § 103(a), and direct the Examiner to enter a Notice of Allowance for claims 1-2, 4-11, and 13-32.

**Fee for Filing a Brief in Support of Appeal**

Enclosed is a check in the amount of \$500.00 to cover the fee for filing a brief in support of an appeal as required under 37 C.F.R. §§ 1.17(c) and 41.37(a).

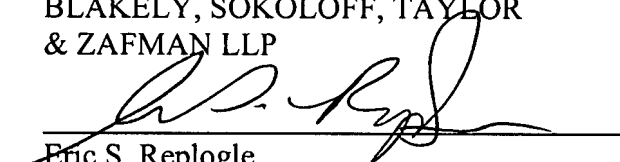
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

Dated: 8/20, 2007

  
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## CLAIMS APPENDIX

1-16. (Cancelled)

17. (Previously Presented) A method of displaying supplemental information particular to a user regarding displayed web pages for the user, the method comprising:

identifying a particular product displayed in a first web page using a device that displays the first web page to the user;

determining, with the device, whether an entry corresponding to the particular product displayed on the first web page is contained in a database on the device, wherein the database comprises supplemental information particular to a user and correlates the supplemental information to each of a plurality of products, and wherein the database is separate from the first web page and the first web page is ordinarily devoid of the supplemental information; and

displaying supplemental information correlated to the particular product along with and separate from the first web page if it is determined that the database contains an entry for the particular product.

18. (Previously presented) The method of claim 17, wherein the particular product is associated with a link to a second web page.

19. (Previously Presented) The method of claim 18, wherein the second web page correlates to a purchasable item, and the supplemental information includes a consumer incentive available to the user and relating to the purchasable item, the consumer



incentive being obtained from the database and not being ordinarily evident from the web page.

20. (Previously Presented) The method of claim 19, wherein the consumer incentive is a discount for purchasing the purchasable item from the web site using a particular credit card, the database includes an entry indicating that the user has the particular credit card, and the supplemental information indicates that the user will obtain the consumer incentive where the particular credit card is used to purchase the purchasable item.

21. (Previously Presented) The method of claim 17, further comprising:  
detecting an event relating to the particular product, wherein the event prompts the display of supplemental information for the particular product.

22. (Previously Presented) The method of claim 21, wherein the event is a cursor rollover of the particular product, and the supplemental information is superimposed on the first web page in the vicinity of the display of the particular product.

23. (Previously Presented) An apparatus for displaying supplemental information particular to a user regarding displayed web pages for the user, the apparatus comprising:  
a link assessment module, for identifying a particular product displayed in a first web page using a device that displays the first web page to the user and determining, with the device, whether an entry corresponding to the particular product displayed on the first web page is contained in a database on the device, wherein the database comprises

supplemental information particular to a user and correlates the supplemental information to each of a plurality of products, and wherein the database is separate from the first web page and the first web page is ordinarily devoid of the supplemental information; and

a supplemental information display module, in communication with the link assessment module, for displaying supplemental information correlated to the particular product along with and separate from the first web page if it is determined that the database contains an entry for the particular product.

24. (Previously Presented) The apparatus of claim 23, wherein the particular product is associated with a link to a second web page.

25. (Previously Presented) The apparatus of claim 24, wherein the second web page correlates to a purchasable item, and the supplemental information includes a consumer incentive available to the user and relating to the purchasable item, the consumer incentive being obtained from the database and not being ordinarily evident from the web page.

26. (Previously Presented) The apparatus of claim 25, wherein the consumer incentive is a discount for purchasing the purchasable item from the web site using a particular credit card, the database includes an entry indicating that the user has the particular credit card, and the supplemental information indicates that the user will obtain the consumer incentive where the particular credit card is used to purchase the purchasable item.

27. (Previously Presented) The apparatus of claim 23, further comprising:  
an event detecting module, for detecting an event relating to the particular product, wherein the event prompts the display of supplemental information for the particular product.

28. (Previously Presented) The apparatus of claim 27, wherein the event is a cursor rollover of the particular product, and the supplemental information is superimposed on the first web page in the vicinity of the display of the particular product.

29. (Previously Presented) An apparatus for displaying supplemental information particular to a user regarding displayed web pages for the user, the apparatus comprising:

means for identifying a particular product displayed in a first web page using a device that displays the first web page to the user and determining, with the device, whether an entry corresponding to the particular product displayed on the first web page is contained in a database on the device, wherein the database comprises supplemental information particular to a user and correlates the supplemental information to each of a plurality of products, and wherein the database is separate from the first web page and the first web page is ordinarily devoid of the supplemental information; and

means for displaying supplemental information correlated to the particular product along with and separate from the first web page if it is determined that the database contains an entry for the particular product.

30. (Previously Presented) The apparatus of claim 29, wherein the particular product is associated with a link to a second web page.

31. (Previously Presented) The apparatus of claim 30, wherein the second web page correlates to a purchasable item, and the supplemental information includes a consumer incentive available to the user and relating to the purchasable item, the consumer incentive being obtained from the database and not being ordinarily evident from the web page.

32. (Previously Presented) The apparatus of claim 31, wherein the consumer incentive is a discount for purchasing the purchasable item from the web site using a particular credit card, the database includes an entry indicating that the user has the particular credit card, and the supplemental information indicates that the user will obtain the consumer incentive where the particular credit card is used to purchase the purchasable item.

33. (Previously Presented) The apparatus of claim 29, further comprising:  
means for detecting an event relating to the particular product, wherein the event prompts the display of supplemental information for the particular product.

34. (Previously Presented) The apparatus of claim 33, wherein the event is a cursor rollover of the particular product, and the supplemental information is superimposed on the first web page in the vicinity of the display of the particular product.

35. (Previously Presented) A computer readable storage medium that stores instructions for performing the steps of:

identifying a particular product displayed on a first web page in a first web page using a device that displays the first web page to the user;

determining, with the device, whether an entry corresponding to the particular product displayed on the first web page is contained in a database on the device, wherein the database comprises supplemental information particular to a user and correlates the supplemental information to each of a plurality of products, and wherein the database is separate from the first web page and the first web page is ordinarily devoid of the supplemental information; and

displaying supplemental information correlated to the particular product long with and separate from the first web page if it is determined that the database contains an entry for the particular product.

36. (Previously Presented) The computer readable storage medium of claim 35, wherein the particular product is associated with a link to a second web page.

37. (Previously Presented) The computer readable storage medium of claim 36, wherein the second web page correlates to a purchasable item, and the supplemental information includes a consumer incentive available to the user and relating to the purchasable item, the consumer incentive being obtained from the database and not being ordinarily evident from the web page.

38. (Previously Presented) The computer readable storage medium of claim 37, wherein the consumer incentive is a discount for purchasing the purchasable item from the web site using a particular credit card, the database includes an entry indicating that the user has the particular credit card, and the supplemental information indicates that the user will obtain the consumer incentive where the particular credit card is used to purchase the purchasable item.

39. (Previously Presented) The computer readable storage medium of claim 35, further comprising instructions for performing the step of:

detecting an event relating to the particular product, wherein the event prompts the display of supplemental information for the particular product.

40. (Previously Presented) The computer readable storage medium of claim 39, wherein the event is a cursor rollover of the particular product, and the supplemental information superimposed on the first web page in the vicinity of the display of the particular product.

## EVIDENCE APPENDIX

, NONE.

## RELATED PROCEEDINGS APPENDIX

NONE.



**FEE TRANSMITTAL FOR FY 2007**

(Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

**TOTAL AMOUNT OF PAYMENT (\$)** 500.00**Complete if Known:**

Application No. 09/873,067  
Filing Date 6/6/01  
First Named Inventor Tobin, et al.  
Examiner Name T. Zhou  
Art Unit 2173  
Attorney Docket No. 80398.P596

           **Applicant claims small entity status. See 37 CFR 1.27.****METHOD OF PAYMENT** (check all that apply)           Check            Credit Card            Money Order            None            Other (please identify)           **Deposit Account**Deposit Account Number : 02-2666Deposit Account Name:                                     X   **The Director is Authorized to do the following with respect to the above-identified Deposit Account:**  X   Charge fee(s) indicated below.  X   Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.           Charge fee(s) indicated below except for the filing fee  X   Credit any overpayments.  X   Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>		<u>Fees Paid (\$)</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>			
1011	300	2011	150	Utility application filing fee	} 1,000/500	_____
1111	500	2111	250	Utility search fee		_____
1311	200	2311	100	Utility examination fee		_____
1012	200	2012	100	Design application filing fee	} 430/215	_____
1112	100	2112	50	Design search fee		_____
1312	130	2312	65	Design examination fee		_____
1013	200	2013	100	Plant filing fee	} 660/330	_____
1113	300	2113	150	Plant search fee		_____
1313	160	2313	80	Plant examination fee		_____
1004	300	2004	150	Reissue filing fee	} 1,400/700	_____
1114	500	2114	250	Reissue search fee		_____
1314	600	2314	300	Reissue examination fee		_____
1005	200	2005	100	Provisional application filing fee		_____
SUBTOTAL (1) \$ <u>0</u>						



## 2. EXCESS CLAIM FEES

### Fee Description

Large Entity		Small Entity	
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1202	50	2202	25
1201	200	2201	100
1203	360	2203	180
1204	200	2204	100
1205	50	2205	25

### Fee Description

Each claim over 20  
Each independent claim over 3  
Multiple dependent claims, if not paid  
Reissue: each claim over 20 and more than in the original patent  
Reissue: each independent claim more than in the original patent

	Extra Claims	Fee	Fees Paid (\$)
Total Claims _____ - 20 or HP = _____	X	_____	= _____
HP = highest number of total claims paid for, if greater than 20			
Independent Claims _____ - 3 or HP = _____	X	_____	= _____
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims _____		_____	= _____
SUBTOTAL (2) \$ _____ 0			

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee from below	Fees paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to whole number)	X \$ _____	_____

### Large Entity

Fee Code	Fee (\$)
----------	----------

### Small Entity

Fee Code	Fee (\$)
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Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):

1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

SUBTOTAL (3) \$ \_\_\_\_\_ 0

**FEE CALCULATION (continued)****4. OTHER FEE(S)**

				<b>Fees Paid (\$)</b>	
Non-English Specification, \$130 fee (no small entity discount)					
<u>Large Entity</u>		<u>Small Entity</u>			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	130	2814	65	Statutory Disclaimer	
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (4) \$ 500.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Eric S. ReplogleSignature: Date: 8/20/07Reg. Number: 52,161Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL****PATENT**

Application No.: 09/873,067  
Filing Date: 6/6/01  
First Named Inventor: Tobin, et al.  
Examiner's Name: T. Zhou  
Art Unit: 2173  
Attorney Docket No.: 80398.P596

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- ☐ Preliminary Amendment
- ☐ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☒ Other: Appeal Brief
- ☐ Other: \_\_\_\_\_
- ☐ Check(s)
- ☒ Postcard (Return Receipt)

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Eric S. Replogle

SIGNATURE: [Signature]

REG. NO.: 52,161

DATE: 8/20/07

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**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on August 20, 2007

Date of Deposit

Cheri Clinkenbeard

[Signature] Name of Person Mailing Correspondence

August 20, 2007

Date

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(10/14/03)